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Appl. No. 09/736,190

**Remarks**

Claims 10, 12-13, 16 and 26-28 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent 5,816,261 to Dyett.

Claim 10 recites "said ledger moving along an essentially linear path."

The ledger of Dyett (ledger part 22 and/or 28) moves through an essentially circular path during the cutting cycle. (see col. 1, lines 27-37; and Fig. 2).

Claims 10 and 12-15 are rejected under 25 U.S.C. §103 over U.S. Patent 5,050,471 to Niemann in view of Dyett.

Dyett is cited for teaching first and second counterpoises, and the Action argues that it would be obvious to incorporate the first and second counterpoises of Dyett into the apparatus of Niemann.

If Niemann is modified as proposed, the ledger of Niemann would follow the same path as that of Dyett, i.e., the path would not be linear, it would be circular. As such, claim 10 also distinguishes over the combination of Niemann and Dyett.

Respectfully submitted,

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